

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WTC CAPTIVE INSURANCE COMPANY, INC.,

Plaintiff,

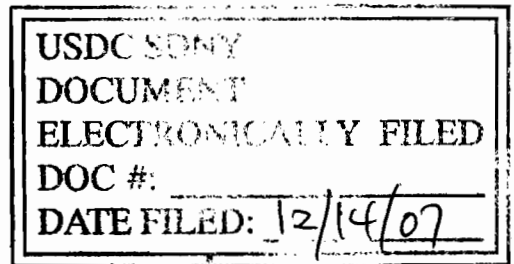
-against-

LIBERTY MUTUAL FIRE INSURANCE COMPANY;
CERTAIN UNDERWRITERS AT LLOYD'S, AND
CERTAIN LONDON MARKET INSURANCE
COMPANIES; ASSICURAZIONI GENERALI S.P.A.; and
GENERAL SECURITY INDEMNITY COMPANY OF
ARIZONA, as attorney in fact for and successor in interest to
GENERAL SECURITY INDEMNITY COMPANY (now
known as HUDSON SPECIALTY INSURANCE
COMPANY),

Defendants.
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ORDER

07 Civ. 1209 (AKH)



ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendants Certain Underwriters at Lloyd's, London, Certain London Market Insurance Companies, Assicurazioni Generali S.p.A., and General Security Indemnity Company of Arizona (collectively the "Excess Insurers") move to dismiss the Complaint for a lack of subject matter jurisdiction. Plaintiff WTC Captive Insurance Co., Inc. and Plaintiffs-Intervenors (plaintiffs who have claims pending in 21 MC 100, 21 MC 102 or 21 MC 103) oppose the Excess Insurers' motion.

Because I find, upon a review of the Complaint, that I have supplemental jurisdiction over this dispute pursuant to 28 U.S.C. § 1367(a), the motion to dismiss the complaint on subject matter jurisdiction grounds is DENIED. The outcome of this insurance dispute will directly impact the scope and extent of available funds in the September 11 litigations. I hold that the reasons I articulated for exercising supplemental jurisdiction in a previous insurance coverage dispute involving the Port Authority, In re September 11 Liability

Insurance Coverage Cases, 333 F.Supp.2d 111, 115-19 (S.D.N.Y. 2004), are fully applicable here. Therefore, the Excess Insurers' motion to dismiss is DENIED.

SO ORDERED.

Dated: December 14, 2007
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge